Unutilised Electronic Voting machines

3037. SHRI GHUFRAN AZAM: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether crores of reupees have been wasted by the Election Commission in the purchase of electronic voting machines which are presently lying unutilised;

(b) if so, the facts and the details thereof;

(c) whether the CAG in its recent report has pointed out such irregularities committed by Election Commission as reported in the Hindustan Times dated 7th June, 1998; and

(d) if so, the further reaction of Government on the points raised CAG?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) and (b) 1.5 lakh Electronic Voting Machines purchased in 1989 at a cost of around Rs.75 crores have not so far been used.

(c) Yes, Sir,

(d) Government hopes that the Election Commission would put to use the available Electronic Voting Machines at the earliest. The Commission have also informed that it is making all efforts to use the Electronic Voting Machines in a few selected constituencies for the Assembly elections which would be due towards the end of the year.

Norms Prescribed for Selection of Notary Public, Oath Commissioners and Public Prosecutors

3038. SHRI K.M. KHAN: Will the Minister of LAW JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether some norms have been prescribed for selection of Notary Public, Oath Commissioners and Public Prosecutors;

(b) if so, the details thereof with formalities required for each;

(c) whether the norms as in (a) are applicable in all states and Union Territories; and

(d) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) to (d) Notaries are appointed under the Notaries Act, 1952. The norms for appointment of a Notary are prescribed under the Notaries Rules, 1956, under which an advocate having 10 years of practice may apply for appointment as Notary on the prescribed form (memorial) which has to be attested by persons of the locality including a Magistrate, a Bank Manager, a Merchant and other local residents. Thereafter, the competent authority examines the application and may ascertain from State Bar Council, Bar Association and other authority in the area where the applicant proposes to practise as notary, the objections, if any, to the appointment of the applicant as a notary. The applicant is also siven as opportunity of hearing against the objections, if any. After consideration of the objections and the various factors mentioned in rule 7 of the Notaries Act, 1956, a decision to recommend appointment or rejection of the application is taken by the competent authority.

Public Prosecutors are appointed under section 24 of the Code of Criminal Procedure, 1973, which lays down the norms and procedure for appointment of public prosecutors. Section 24 is annexed hereto as statement (*see* below)

The aforementioned norms for appointment of a Notary are applicable throughout India. The norms for appointment of public prosecutors prescribed under section 24 of the Code of Criminal Procedure, 1973 extends to the whole of India except the State of Jammu & Kashmir.

As regards the norms for appointment of an Oath Commissioner, the information is being collected and will be laid on the table of the House.

Statement

"24. *(1)*For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behal of the Central Government or State Government, as the case may be.

(2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case or class of cases in any district or local area.

(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:

Provided that the Public Prosecutor and Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional Public Proseclutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section *(4)*

(6) Notwithstanding anything contained in sub-section *(5)*, where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor only from among the persons constituting such Cadre:

Provided that where, in the opinion of the State Government, no suitable person is available in such Cadre for such appointment that Government may appoint a person as Public Prosecutor or Additional Public Prosecutor, as the case may be, from the panel of names prepared by the District Magistrate under sub-section *(4)*

(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section *(1)* or sub-section *(2)* or sub-section *(3)* or sub-section *(6)*, only if he has been in practice as an advocate for not less! than seven years.

(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor.

(9) For the purposes of sub-section *(7)* and sub-section *(8)*, the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Code) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other Prosecuting officer; by whatever name called shall be deemed to be the period during which such person has been in practice as an advocate.

All Party meeting on electoral reforms

3039. DR. ALLADI P. RAJKUMAR: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) The major decisions taken at the recently held all- party meeting on electoral reforms; and

(b) the follow-up action taken thereon?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) and (b) Appointment of a 7-Member Committee under the Chairmanship of Shri Indrajit Gupta, Member of Parliament, to suggest concrete proposals for providing state funding of elections as also to consider related